

SIXTY-SECOND DAY
(Continued)
(Friday, April 27, 1973)

After Recess

The Senate met at 8:30 o'clock a.m., and was called to order by Senator Hightower.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Hightower in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 291.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

H.B. 36 (Santiesteban) (29-0) (29-0)

H.B. 37 (Santiesteban) (29-0) (29-0)

C.S.H.B. 94 (McKnight) (29-0) (29-0)

H.B. 173 (McKinnon) (28-1) Clower "Nay" (28-1) Clower "Nay"

H.B. 380 (Harris) (29-0) (29-0)

H.B. 397 (Longoria) (29-0) (29-0)

H.B. 465 (Patman) (29-0) (29-0)

C.S.H.C.R. 131 (Traeger) (vv)

S.B. 231 (Hightower) (29-0) (29-0)

S.B. 334 (Hightower) (29-0) (29-0)

S.B. 363 (Mauzy) (29-0) (29-0)

C.S.S.B. 487 (Herring) (29-0) (29-0)

S.B. 491 (Brooks) (29-0) (29-0)

S.B. 609 (Herring) (29-0) (29-0)

S.B. 610 (Herring) (29-0) (29-0)

S.B. 612 (Herring) (29-0) (29-0)

S.B. 613 (Herring) (29-0) (29-0)

S.B. 684 (Hightower) (29-0) (29-0)

S.B. 707 (Hightower) (29-0) (29-0)

C.S.S.B. 781 (Braecklein) (28-1) Clower "Nay" (28-1) Clower "Nay"

C.S.S.B. 782 (Braecklein) (28-1) Clower "Nay" (28-1) Clower "Nay"

S.B. 889 (Herring) (29-0) (29-0)

S.C.R. 66 (Mauzy) (vv)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

H.B. 115 (Longoria)--

Senator Longoria offered the following Committee Amendment to the bill:

Amend H.B. 115 by deleting Section 2.06 and renumbering the remaining sections.

The Committee Amendment was read and was adopted.

On motion of Senator Longoria and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-0) (29-0)

S.B. 464 (Brooks)--

Senator Brooks offered the following Committee Amendment to the bill:

Amend S.B. 464 by striking the words "for the mentally retarded" where they appear consecutively on line 20 and on line 26, Page 1 of the bill, and line 10, Page 1 of the printed bill.

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-0) (29-0)

S.B. 596 (Mauzy)--

Senator Mauzy offered the following Committee Amendment to the bill:

Amend S.B. 596 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. (a) When the regular judge of a county court at law, county criminal court, county criminal court of appeals, or probate court for Dallas County is absent or is from any cause disabled or disqualified from presiding, the Presiding Judge of the First Administrative Judicial District may appoint a retired judge to sit for the regular judge, provided such retired judge:

- (1) Voluntarily retired from office;
- (2) Resides within the First Administrative Judicial District;
- (3) Certifies his willingness to serve;
- (4) Has previous judicial experience;

(5) Otherwise meets the qualifications required of the regular judge.

"(b) When the docket of a county court at law, county criminal court, county criminal court of appeals, or probate court for Dallas county becomes so excessive that the Presiding Judge deems it an emergency, he may appoint a retired judge who meets the qualifications set out in Section 1(a) above, to sit for the regular judge for so long as the emergency exists.

"Section 2. A retired judge appointed to sit for a regular judge under the provisions of this Act shall execute the bond and take the oath of office which is required by law for the regular judge for whom he is sitting.

"Section 3. A retired judge appointed under the provisions of this Act has all the power and jurisdiction of the court and the regular judge for whom he is sitting and may sign orders, judgments, decrees, or other process of any kind as 'Judge Presiding' when acting for the regular judge.

"Section 4. A retired judge appointed to sit for the regular judge under the provisions of this Act shall receive for the services actually performed the same amount of compensation which the regular judge is entitled to receive for such services. The amount to be paid for such services shall be paid out of the county funds upon certification by the Presiding Judge of the First Administrative Judicial District that the retired judge has rendered the services to and is entitled to receive the compensation. No part of the amount paid to a retired judge sitting for the regular judge shall be deducted or paid out of the salary of the regular judge.

"Section 5. The provisions of the Act are cumulative of all laws pertaining to the election or appointment of a special judge and if, in addition to a retired judge appointed to sit temporarily for a regular judge, a special judge is needed, he shall be appointed or elected as now authorized by law.

"Section 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The Committee Amendment was read and was adopted.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend the caption of S.B. 596 to read as follows:

"relating to the appointment of a qualified retired judge to sit for the regular judge of certain statutory courts in Dallas County; and declaring an emergency."

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-0) (29-0)

S.B. 602 (Mauzy)--

Senator Meier offered the following amendment to the bill:

Amend S.B. 602 by adding at Section 1, amending Section 41b at Subdivision 1, Line 20, to read as follows:

"In any county having more than 290,000 inhabitants but less than 700,000 inhabitants, and any county having more than 800,000 and less than 1,700,000 inhabitants according to the 1970 Federal Census, the Commissioners Court by order recorded in its minutes may establish the appointive office of County

Election Officer and transfer to him the duties and functions specified in Subdivisions 2 and 3 of this Section. The order shall state the date on which the transfer becomes effective."

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (28-1) Clower "Nay" (28-1) Clower "Nay"

S.B. 806 (Meier)--

Senator Meier offered the following amendment to the bill:

Amend S.B. 806 by striking all above and below the enacting clause and substituting therefor the following:

"A BILL

TO BE ENTITLED

An Act relating to the purchasing procedure in counties having a population not less than 700,000 and not more than 800,000 and having an assessed valuation of \$800,000,000 or more; amending Article 1659b(1); and declaring an emergency.

"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"Section 1. In all counties having a population of not less than 700,000, nor more than 800,000, according to the last preceding federal census, and having an assessed valuation of \$800,000,000 or more, supplies of every kind, road and bridge material, or any other material, for the use of said county, or any of its officers, departments, or institutions must be purchased on competitive bids, the contract to be awarded to the party who, in the judgment of the commissioners court, has submitted the lowest and best bid. Where the total expenditure for any such purchase or any such contract shall exceed \$1,000 advertisements for bids for such supplies and materials, according to purchasing specifications giving in detail what is needed, shall be made by the purchasing agent, if the county has no purchasing agent then by the county auditor, once each week for two successive weeks in a daily newspaper published and circulated in the county. Such advertisements shall state where the specifications are to be found, and shall give the time and place for receiving such bids. Where the amount to be expended shall be \$1,000, or less, it shall not be necessary to advertise for bids, but sealed bids shall be asked from as many as three persons, firms, or corporations, or as many more as shall offer to bid, based on written specifications filed with the purchasing agent or auditor as the case may be, at least 48 hours before the time of opening said sealed bids. All such competitive bids shall be kept on file by the purchasing agent or auditor, as the case may be as a part of the records of his office, and shall be subject to inspection by anyone desiring to see them. Copies of all bids received shall be furnished by the purchasing agent or auditor to the commissioners court; and when the bids received are not satisfactory to the commissioners court, the purchasing agent or auditor shall reject said bids and readvertise for new bids, where the amount to be expended exceeds \$1,000, or ask for new bids, where the amount to be expended shall be \$1,000 or less. In cases of emergency, purchases or contracts not in excess of \$1,000 may be made upon requisition to be approved by the commissioners court, without advertising for competitive bids or asking for competitive bids.

"Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and

that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-0) (29-0)

S.B. 858 (Schwartz)--

Senator Schwartz offered the following Committee Amendment to the bill:

Amend S.B. 858 as follows:

(1) Amend the caption by striking the words "\$40" wherever they appear and substituting therefor the words "\$50".

(2) Amend Section 1 by striking the words "Forty Dollars (\$40)" wherever they appear and substituting therefor the words "Fifty Dollars (\$50)".

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-0) (29-0)

S.B. 873 (Hightower)--

Senator Hightower offered the following Committee Amendment to the bill:

Amend S.B. 873 by deleting the words "bordering on Texas" where they appear consecutively on line 7, Page 1 of the bill.

The Committee Amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-0) (29-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Hightower in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Aikin the Senate at 9:00 o'clock a.m. adjourned until 10:00 o'clock a.m. today.

SIXTY-THIRD DAY
(Friday, April 27, 1973)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.